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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,337	07/28/2003	John McCollum	ACT-368	6310
28661	7590	12/17/2004	EXAMINER	
SIERRA PATENT GROUP, LTD. P O BOX 6149 STATELINE, NV 89449				SOWARD, IDA M
ART UNIT		PAPER NUMBER		
		2822		

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,337	MCCOLLUM, JOHN	
	<b>Examiner</b> Ida M Soward	<b>Art Unit</b> 2822	<i>AM</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 8,9,17,18,26,27,35 and 36 is/are allowed.
- 6) Claim(s) 1-7,10-16,19-25 and 28-34 is/are rejected.
- 7) Claim(s) 4,11,22 and 31 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

This Office Action is in response to the application filed July 28, 2003.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the buried layers laid out in a grid formation; and the biasing of the regions, layers and substrates must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office Action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “**116**” has been used to designate both **control gate** and **trench** on page 7, paragraphs [019]-[020]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because:

1. reference characters **112** and **212** should have been designated as the floating gates in Figures 1 and 3;
2. reference characters **114** and **214** should have been designated as the control gates in Figures 1 and 3; and
3. reference character **116** should have been designated as the isolation trench in Figure 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 4, 11, 22 and 31 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 4 and 13, which depend on claim 2 and 11, respectively, are worded exactly the same as claims 2 and 11.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 6,169,693 B1) in view of Ohsawa (US 2004/0026749 A1).

In regard to claim 1, Chan et al. teach a transistor comprising: a p-type substrate 20; an n-type region 18 disposed over the p-type substrate 20; a p-type region 16 disposed over the n-type region 18; spaced apart source and drain regions 12 & 14 disposed in the p-type region 16 forming a channel 34 therein; a control gate 24 disposed above and insulated from the channel 34; the substrate 20, the n-type region 18 and the p-type region 16 are each biased (Figure 1, columns 3-4, lines 40-67 and 1-15, respectively).

In regard to claims 2 and 4, Chan et al. teach the n-type region 18 being a well region (Figure 1, columns 3-4, lines 40-67 and 1-15, respectively).

In regard to claim 3, Chan et al. teach the p-type region 16 being a well region (Figure 1, columns 3-4, lines 40-67 and 1-15, respectively).

In regard to claim 10, Chan et al. teach a floating-gate transistor comprising: a p-type substrate 20; an n-type region 18 disposed over the p-type substrate 20; a p-type region 16 disposed over the n-type region 18; spaced apart source and drain regions 12 & 14 disposed in the p-type region 16 forming a channel 34 therein; a floating gate 22 disposed above and insulated from the channel 34; the substrate 20, the n-type region 18 and the p-type region 16 are each biased (Figure 1, columns 3-4, lines 40-67 and 1-15, respectively).

In regard to claims 11 and 13, Chan et al. teach the n-type region 18 being a well region (Figure 1, columns 3-4, lines 40-67 and 1-15, respectively).

In regard to claim 12, Chan et al. teach the p-type region 16 being a well region (Figure 1, columns 3-4, lines 40-67 and 1-15, respectively).

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In regard to the preamble concerning a transistor “for an integrated circuit”, a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone.

See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex Parte Masham*, 2 USPQ F.2d 1647 (1987). Also, it would have been obvious to one of ordinary skill that a transistor is for an integrated circuit since it is a well known practice in the art of semiconductor devices.

In regard to the n-type source and drain regions, although the applied references fail to explicitly teach the source and drain regions are n-type, it is within the level of ordinary skill for the source and drain regions to be n-type for it is well known that the polarity or conductivity type of the source and drain is opposite the well or substrate region for proper transistor operation.

However, Chan et al. fail to teach a fully depleted p-type region.

Ohsawa teaches a fully depleted p-type region 13 (Figure 4A, abstract, page 4, paragraph [0083]).

Chan et al. disclose the claimed invention except for a fully depleted p-type region. Ohsawa teaches that it is known to provide a transistor memory structure with a fully depleted p-type region. It would have been obvious to one having ordinary skill in the art at the time the

invention was made modify the transistor memory structure as taught by Chan et al. with the transistor memory structure having a fully depleted p-type region as taught by Ohsawa to secure good characteristics of data holding (page 4, paragraph [0080]).

Claims 5, 7, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 6,169,693 B1) and Ohsawa (US 2004/0026749 A1) as applied to claims 1-4 and 10-13 above, and further in view of Chi et al. (6,060,742).

Chan et al. and Ohsawa teach all mentioned in the rejection above. However, Chan et al. and Ohsawa et al. fail to teach an n-type region being a buried layer; and an isolation trench disposed in a p-type region and surrounding source and drain regions, the isolation trench extending into an n-type region.

Chi et al. teach an n-type region 603 being a buried layer; and an isolation trench 605 disposed in a p-type region and surrounding source and drain regions, the isolation trench 605 extending into an n-type region (Figure 6, columns 4-5, lines 43-67 and 1-35, respectively).

Chan et al. and Ohsawa disclose the claimed invention except for an n-type buried layer region and an isolation trench. Chi et al. teach that it is known to provide a transistor memory structure with an n-type buried layer region and an isolation trench. It would have been obvious to one having ordinary skill in the art at the time the invention was made modify the transistor memory structure as taught by Chan et al. and the transistor memory structure having a fully depleted p-type region as taught by Ohsawa combined with the transistor memory structure as taught by Chi et al. having an n-type region being a buried layer to increase the amount of seed

electrons injected into the p-region (columns 2-3, lines 64-67 and 1-2, respectively) and an isolation trench that will result in a preferred smaller spacing (column 5, lines 2-7).

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 6,169,693 B1), Ohsawa (US 2004/0026749 A1) and Chi et al. (6,060,742) as applied to claims 5, 7, 14 and 16 above, and further in view of Shinohara et al. (US 2004/0000681 A1).

Chan et al., Ohsawa and Chi et al. teach all mentioned in the rejection above. However, Chan et al., Ohsawa et al. and Chi et al. fail to teach a buried layer laid out in a grid formation.

Shinohara et al. teach a buried layer laid out in a grid formation (Figure 1, page 5, paragraphs [0059]-[0064]).

In regard to the conductivity type of the buried layer, it would have been obvious to one of ordinary skill to interchange conductivity of the region in a transistor as admitted by the Applicant on page 13, paragraph [0035]).

Chan et al., Ohsawa and Chi et al. disclose the claimed invention except for a buried layer region laid out in a grid formation. Shinohara et al. teach that it is known to provide a MOS transistor structure with a buried layer region laid out in a grid formation. It would have been obvious to one having ordinary skill in the art at the time the invention was made modify the MOS transistor structure as taught by Chan et al., the MOS transistor structure having a fully depleted p-type region as taught by Ohsawa and the MOS transistor structure having an n-type region being a buried layer and an isolation trench as taught by Chi et al. combined with the MOS transistor structure having a buried layer region laid out in a grid formation as taught by

Shinohara et al. to prevent short shorting between the source and drain (page 3, paragraph [0022]).

Claims 19-22 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,329,246 B1) in view of Ohsawa (US 2004/0026749 A1).

In regard to claim 19, Lee teaches a transistor comprising: an n-type substrate 100; an p-type region 102 disposed over the n-type substrate 100; an n-type region 104 disposed over the p-type region 102; spaced apart p-type source and drain regions 106 & 108 disposed in the n-type region 104 forming a channel therein; a control gate 126 disposed above and insulated from the channel; the substrate 100, the p-type region 102 and the n-type region 104 are each biased (Figures 2C and 3, column 3, lines 11-52).

In regard to claims 20 and 22, Lee teaches the p-type region 102 being a well region (Figures 2C and 3, column 3, lines 11-52).

In regard to claim 21, Lee teaches the n-type region 104 being a well region (Figures 2C and 3, column 3, lines 11-52).

In regard to claim 28, Lee teaches a transistor comprising: an n-type substrate 100; an p-type region 102 disposed over the n-type substrate 100; an n-type region 104 disposed over the p-type region 102; spaced apart p-type source and drain regions 106 & 108 disposed in the n-type region 104 forming a channel therein; a floating gate 122 disposed above and insulated from the channel; the substrate 100, the p-type region 102 and the n-type region 104 are each biased (Figures 2C and 3, column 3, lines 11-52).

In regard to claims 29 and 31, Lee teaches the p-type region 102 being a well region (Figures 2C and 3, column 3, lines 11-52).

In regard to claim 30, Lee teaches the n-type region 104 being a well region (Figures 2C and 3, column 3, lines 11-52).

In regard to the preamble concerning a transistor “for an integrated circuit”, a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone.

See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex Parte Masham*, 2 USPQ F.2d 1647 (1987). Also, it would have been obvious to one of ordinary skill that a transistor is for an integrated circuit since it is a well known practice in the art of semiconductor devices.

However, Lee fails to teach a fully depleted n-type region.

In regard to the fully depleted “n-type region”, it would have been obvious to one of ordinary skill to interchange conductivity of the region in a transistor as admitted by the Applicant on page 13, paragraph [0035]).

Ohsawa teaches a fully depleted region 13 (Figure 4A, page 1, paragraph [0010]).

Lee discloses the claimed invention except for a fully depleted n-type region. Ohsawa teaches that it is known to provide a MOS transistor structure with a fully depleted region. It

would have been obvious to one having ordinary skill in the art at the time the invention was made modify the MOS transistor structure as taught by Lee et al. with the MOS transistor structure having a fully depleted region as taught by Ohsawa to suppress leak current in a scale-down (page 4, paragraph [0080]).

Claims 23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,329,246 B1) and Ohsawa (US 2004/0026749 A1) as applied to claims 19-22 and 28-31 above, and further in view of Wang (US 2004/0065922 A1).

Lee and Ohsawa teach all mentioned in the rejection above. However, Lee and Ohsawa et al. fail to teach an n-type region being a buried layer; and an isolation trench disposed in a p-type region and surrounding source and drain regions, the isolation trench extending into an n-type region.

Wang teaches a p-type region PBL being a buried layer (Figure 2B, pages 3-4, paragraph [0041]).

Lee and Ohsawa disclose the claimed invention except for a p-type buried layer region. Wang teaches that it is known to provide a MOS transistor structure with a p-type buried layer region. It would have been obvious to one having ordinary skill in the art at the time the invention was made modify the MOS transistor structure as taught by Lee and the MOS transistor structure having a fully depleted p-type region as taught by Ohsawa with the MOS transistor structure having a p-type region being a buried layer as taught by Wang to provide isolation from the n-type substrate (page 1, paragraph [0013]).

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Claims 24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,329,246 B1), Ohsawa (US 2004/0026749 A1) and Wang (US 2004/0065922 A1) as applied to claims 23 and 32 above, and further in view of Shinohara et al. (US 2004/0000681 A1).

Lee, Ohsawa and Wang teach all mentioned in the rejection above. However, Lee, Ohsawa et al. and Wang fail to teach a p-type buried layer laid out in a grid formation.

Shinohara et al. teach a p-type buried layer 105 laid out in a grid formation (Figure 1, page 5, paragraphs [0059]-[0064]).

Lee, Ohsawa and Wang disclose the claimed invention except for a buried layer region laid out in a grid formation. Shinohara et al. teach that it is known to provide a MOS transistor structure with a p-type buried layer region laid out in a grid formation. It would have been obvious to one having ordinary skill in the art at the time the invention was made modify the MOS transistor structure as taught by Lee, the MOS transistor structure having a fully depleted p-type region as taught by Ohsawa and the MOS transistor structure having a p-type region being a buried layer as taught by Wang combined with the MOS transistor structure having a p-type buried layer laid out in a grid formation as taught by Shinohara et al. to prevent short shorting between the source and drain (page 3, paragraph [0022]).

Claims 25 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,329,246 B1) and Ohsawa (US 2004/0026749 A1) as applied to claims 19-22 and 28-31 above, and further in view of Chi et al. (6,060,742).

Lee and Ohsawa teach all mentioned in the rejection above. However, Lee and Ohsawa et al. fail to teach an isolation trench disposed in an n-type region and surrounding source and drain regions, the isolation trench extending down into a p-type region.

Chi et al. teach an isolation trench 605 disposed in an n-type region N-WELL and surrounding source and drain regions, the isolation trench 605 extending down into a p-type region P-WELL (Figure 6, columns 4-5, lines 43-67 and 1-35, respectively).

Lee and Ohsawa disclose the claimed invention except for an isolation trench. Chi et al. teach that it is known to provide a transistor memory structure an isolation trench. It would have been obvious to one having ordinary skill in the art at the time the invention was made modify the transistor memory structure as taught by Lee and the transistor memory structure having a fully depleted region as taught by Ohsawa with the transistor memory structure having an isolation trench as taught by Chi et al. to provide a transistor that will result in preferred smaller spacing (column 5, lines 2-7).

#### ***Allowable Subject Matter***

Claims 8-9, 17-18, 26-27 and 35-36 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's together with the other limitations of the independent claims. For instance, Shinohara et al. (US 2004/0000681 A1) teach the claimed transistor structure but falls to teach the substrate, p-type region and the p-type buried layers each biased such that the p-type region is

fully depleted. Masamichi (JP 61123171 A) teaches each of the n-type buried layers being biased but fails to teach biasing the other regions, a fully depleted region and the claimed transistor structure. Lee (US 6,329,246 B1) teaches biasing the other regions but fails to teach biasing each of the buried layers and a fully depleted region. And Ohsawa (US 2004/0026749 A1) teaches a fully depleted p-type region but fails to teach the claimed biased layers. The dependent claims being further limiting and definite are also allowable.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to transistor structures with biased layers, regions and substrates:

Brahmbhatt (5,457,652)	Chi (6,133,604)
Guo et al. (6,009,017)	Hsu et al. (6,134,150)
Hsu et al. (US 6,501,685 B2)	Hung et al. (6,100,557)
Kaya (US 6,187,635 B1)	Keeney et al. (5,487,033)
Liu et al. US 6,624,026 B1)	Wong (5,978,276)
Masamichi (JP 61123171 A).	

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ida M Soward whose telephone number is 571-272-1845. The examiner can normally be reached on Monday - Thursday, 6:30 am to 5:00 pm.

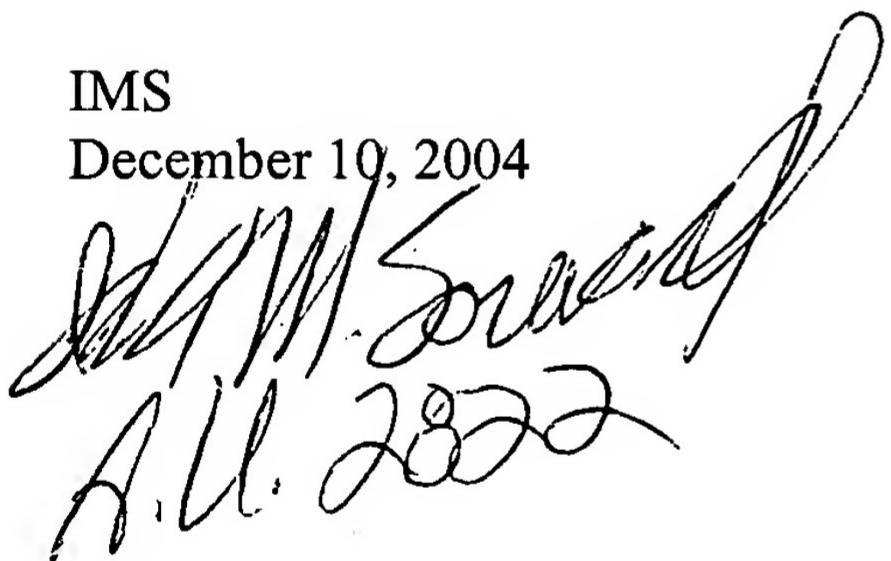
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMS

December 10, 2004



A handwritten signature in black ink, appearing to read "A.M. Soraisham". Below the signature, the letters "A.U." and the year "2004" are handwritten.